

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: OCTOBER 22, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: TXT-36168 - APPLICANT/OWNER: CITY OF LAS VEGAS**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

1. Title 19.18.040 “Rezoning” is hereby amended as follows:

(H) Planning Commission Public Hearing and Action

(1) Hearing. The Planning Commission shall hold a public meeting when considering any application for rezoning of property.

(2) Notice

(a) Notice Provided. Notice of the time, place and purpose of the hearing must be given at least 10 days before the hearing by:

(1) Publishing the notice in a newspaper of general circulation within the City;

(2) Mailing a copy of the notice to:

(A) The applicant;

(B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;

(C) Each tenant of any mobile home park that is located within on thousand feet of the property described in the application;

(D) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph 2;

(E) Any advisory board which has been established for the affected area by the City Council; and

(F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

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- (b) Names Provided. The Department of Planning and Development shall provide, at the request of the applicant, the name, address and phone number of any person notified pursuant to Subparagraph (F) above.
  - (c) Additional Notice. The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least 10 days before the date of the hearing.
  - (d) Signs. Notification signs shall be posted in conformance with Section 19.18.010 (D).
- (3) Planning Commission Decision  
 Following the public hearing or hearings, the Planning Commission shall make its recommendations concerning the application for rezoning. The recommendation may be for approval, ~~approval with conditions~~, or denial. In considering whether to recommend approval or denial of an application, the Planning Commission may, when it appears necessary or expedient, ~~consider the rezoning of only a portion of the land described in the application for rezoning, or it may recommend that all or a portion of the property be rezoned to a more restrictive classification.~~
- (4) Notice of Planning Commission Decision  
 Following the date of the Planning Commission decision, a report of its findings and decision shall be forwarded to the City Council. The report shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or the denial of the rezoning necessary or appropriate to carry out the provisions and general purposes of this Title. Written notice of the decision shall be provided to the applicant, agent, or both.
- (J) City Council Public Hearing and Action.
  - (1) Notice and Hearing. The City Council shall consider the proposed rezoning and the recommendation of the Planning Commission at the next available meeting following the receipt of the recommendation. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in the case of properties whose ownership has changed in the interim.

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- (2) City Council Decision.
  - (a) Decision. The City Council may approve, ~~approve with conditions,~~ or deny an application for a rezoning. In considering whether to approve or deny an application, the City Council may consider the rezoning of ~~only a portion of the land described in the application for rezoning or amend all or a portion of the application~~ property to a more restrictive zoning classification.
  - (b) Change to More Restrictive Zoning. If, at the public hearing, the applicant proposes amending the rezoning application to a more restrictive zoning classification, the City Council may act on the request or refer the application back to the Planning Commission for consideration.
  - (c) Significant Changes to Application. If the applicant proposes significant changes to the application during the hearing, or if new information is presented that significantly changes the nature and scope of the application, the request should be referred back to the Planning Commission for consideration.
- (3) Notice of City Council Decision. Following the hearing on a proposed rezoning, the City Council shall reach a decision concerning the proposal. The decision shall include the reasons for the decision and, if the decision is to approve the rezoning, any modifications, conditions or limitations that the Council may impose. Written notice of the decision shall be provided to the applicant or his agent, or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date that notice of the decision is filed with the City Clerk.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request to amend Title 19.18.040 (H) and (J) to revise provisions related to the rezoning of a parcel of land by the Planning Commission and City Council.

**BACKGROUND INFORMATION**

<i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i>	
06/20/07	The City Council adopted Ordinance #5909 to amend Title 19.18.040 to delete all references to “Resolutions of Intent” for rezoning applications and to amend rezoning procedures accordingly. Planning Commission and staff recommended approval (TXT-19240).

**ANALYSIS**

On 06/20/07, the City Council amended Title 19.18.040 to delete all reference to “Resolutions of Intent” for rezoning applications. As noted in the Text Amendment (TXT-19240), a Resolution of Intent may have been effective as a means to place conditions of approval on applications before the applicant came in for a building permit. However, it was determined pursuant to Title 19.18.050 – “Site Development Plan Review” that the Site Development Plan Review requirements may remedy that situation as they ensure the City a review and an opportunity to condition applications prior to permitting. Therefore, to bring Title 19.18.040 (H) and (J) consistent with this prior amendment, this text amendment proposes to delete references to “conditions of approval.”

In addition, this amendment proposes to delete references in Title 19.18.040 (H) and (J) to “portion of” property when Planning Commission and City Council consider an approval or denial of a rezoning application. Staff’s concern is that by approving “a portion of” property could potentially create a split zoning or inconsistency with the adjacent zoning designations. This proposal would eliminate that potential issue.

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**FINDINGS**

The proposed text amendment will achieve the following:

- Amend Title 19.18.040 (H) and (J) to revise provisions related to the rezoning of a parcel of land by the Planning Commission and City Council.

The following table summarizes all proposed changes:

<b>Code Requirements</b>	<b>Existing Regulations</b>	<b>Proposed Regulations</b>
Title 19.18.040 (H) – Planning Commission Public Hearing and Action	<ul style="list-style-type: none"> <li>• Planning Commission may approve a rezoning application with conditions and for a portion of a property.</li> </ul>	<ul style="list-style-type: none"> <li>• Remove “approval with conditions”</li> <li>• Remove “a portion of”</li> </ul>
Title 19.18.040 (J) – City Council Public Hearing and Action	<ul style="list-style-type: none"> <li>• City Council may approve a rezoning application with conditions for a portion of a property.</li> </ul>	<ul style="list-style-type: none"> <li>• Remove “approval with conditions”</li> <li>• Remove “a portion of”</li> </ul>

**NOTICES MAILED**

NEWSPAPER ONLY

**APPROVALS**

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**PROTESTS**

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